

REMARKS

Summary

Applicant requests reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks.

Status of the Claims

Claims 20-23, and 26-33 are pending in the application, with Claims 20 and 23 being independent. Claims 28-33 have been added. It is respectfully submitted that no new matter has been added.

Substantive Rejections

Claims 20-23 are rejected under 35 U.S.C. § 102(e), as being anticipated by Rashkovskiy et al. Claims 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rashkovskiy et al.

Interview Summary and Response to Rejections

Applicant gratefully acknowledges the courtesies extended by the Examiner during the telephone interview granted to the undersigned on January 9, 2007. In the interview, the patentability of independent Claims 20 and 23 was discussed with respect to the Rashkovskiy et al. patent. Applicant's representative pointed out that Claims 20 and 23 recite different first, second and third accumulation durations, while the patent discloses

constant accumulation timings for different noise frames, as shown in Figure 3. In addition, in response to the Examiner's concerns that the change in the dark current in the patent requires the use of different accumulation times, even though Figure 3 shows constant accumulation times, Applicant's representative pointed out that there are many reasons the dark current can change, such as a change in the ambient temperature, and changes in other conditions of use not associated with the accumulation time. As a result, the Examiner agreed that as per Figure 3, the Rashkovskiy et al. patent teaches only constant accumulation times and that independent Claims 20 and 23 are allowable over this patent. Therefore, Applicant respectfully requests that the outstanding rejection of Claims 20 and 23 be withdrawn.

The dependent claims are allowable for the reasons given for the independent claims and because they recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

New Dependent Claims

Applicant has added new dependent Claims 28-33, which recite additional novel features of the invention.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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